

111TH CONGRESS  
2D SESSION

# H. R. 4648

To prohibit the release or parole of certain unprivileged enemy belligerents into the United States, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 23, 2010

Mr. SMITH of Texas (for himself, Mr. KING of New York, Mr. ROGERS of Kentucky, Mr. HOEKSTRA, Mr. MCCOTTER, and Mr. FORTENBERRY) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To prohibit the release or parole of certain unprivileged enemy belligerents into the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

### 3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Keep Terrorists at Bay  
5 Act of 2010”.

### 6 **SEC. 2. TREATMENT OF CERTAIN UNPRIVILEGED ENEMY** 7 **BELLIGERENTS.**

8 (a) DENIAL OF ENTRY.—

1           (1) IN GENERAL.—In the case of an alien de-  
2       scribed in paragraph (2), no court may order the  
3       alien’s release into the United States and the Sec-  
4       retary of State may not issue any visa, and the Sec-  
5       retary of Homeland Security may not admit or pro-  
6       vide any type of status, to the alien to enter into,  
7       or be admitted to, the United States.

8           (2) ALIENS DESCRIBED.—An alien described in  
9       this paragraph is an alien (as defined in section  
10      101(a)(3) of the Immigration and Nationality Act (8  
11      U.S.C. 1101(a)(3)))—

12                (A) who—

13                       (i) is an unprivileged enemy bellig-  
14                       erent (as defined in section 948a(7) of title  
15                       10, United States Code); or

16                       (ii) has at any time been determined  
17                       by a Combatant Status Review Tribunal to  
18                       be an enemy combatant (pursuant to the  
19                       definition employed by that tribunal); and

20                (B) who is or was in the custody of the  
21       United States at Guantanamo Bay, Cuba, be-  
22       fore, on, or after the date of the enactment of  
23       this Act.

24           (b) PAROLE.—

1           (1) IN GENERAL.—Section 212(d)(5) of the Im-  
2 migration and Nationality Act (8 U.S.C.  
3 1182(d)(5)) is amended by adding at the end the  
4 following:

5           “(C) The Secretary of Homeland Security may not  
6 parole into the United States an alien—

7           “(i) who—

8                   “(I) is an unprivileged enemy belligerent  
9 (as defined in section 948a(7) of title 10,  
10 United States Code); or

11                   “(II) has at any time been determined by  
12 a Combatant Status Review Tribunal to be an  
13 enemy combatant (pursuant to the definition  
14 employed by that tribunal); and

15           “(ii) who is or was in the custody of the United  
16 States at Guantanamo Bay, Cuba, before, on, or  
17 after the date of the enactment of this subpara-  
18 graph.”.

19           (2) TECHNICAL AND CONFORMING AMEND-  
20 MENTS.—Section 212(d)(5) of the Immigration and  
21 Nationality Act (8 U.S.C. 1182(d)(5)) is amended—

22           (A) by striking “Attorney General” each  
23 place such term appears and inserting “Sec-  
24 retary of Homeland Security”;

1           (B) by striking “in his discretion” and in-  
2           serting “in the Secretary’s discretion”;

3           (C) by striking “as he may prescribe” and  
4           inserting “as the Secretary may prescribe”;

5           (D) by striking “he was paroled” and in-  
6           serting “the alien was paroled”; and

7           (E) by striking “his case” and inserting  
8           “the alien’s case”.

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